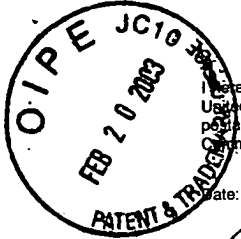


UT03 Rec'd PCT/PTO 20 FEB 2003

PC  
# 13



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D. C. 20231.

Date: February 13, 2003

Alice Sutanandi  
Alice Sutanandi

PATENT  
216019-61

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Peter R. Baum

Serial No.: 09/831,621

International Filing Date: 11/10/99

Title: NOVEL DNA'S AND POLYPEPTIDES

Art Unit:

Examiner:

RECEIVED

1 MAY 2007

Legal Staff  
International Division

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Applicants hereby request withdrawal of the holding of abandonment of the above-identified patent application set forth in the Notice of Abandonment dated November 15, 2002. The Applicants believe that the holding of abandonment is in error, as set forth below.

Serial No. 09/831,621  
February 13, 2003  
Page 2

Specifically, the Notice states that Applicants failed to timely file a reply to the Notice to File Missing Parts (Notice) mailed on August 13, 2001. The Applicants respectfully reply that a response was in fact timely filed and have enclosed copies of the following documents for consideration with this request:

- a) Transmittal Letter in Response to Notification of Missing Parts (filed October 17, 2001), including certificate of mailing under 37 CFR § 1.8;
- b) Petition for One-Month Extension of Time;
- c) Executed Declaration and Power of Attorney; and
- d) Return Postcard.

While the Applicants believe that no fees are due in connection with the filing of the paper, the Commissioner of Patents is authorized to charge any amount due, or credit any overpayment, to Deposit Account No. 50-0639.

Respectfully submitted,



---

Brian M. Berliner  
Attorney for Applicants  
Registration No. 34,549

Date: February 13, 2003

**O'MELVENY & MYERS LLP**  
400 South Hope Street  
Los Angeles, CA 90071-2899  
Telephone: (213) 430-6000

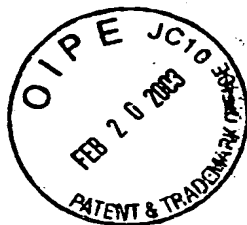
Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/831,621	Peter R Baum	98,664-B

 BRIAN M. BERLINER, ESQ  
 O'MELVENY & MYERS LLP  
 400 SOUTH HOPE STREET  
 LOS ANGELES, CA 90071


INTERNATIONAL APPLICATION NO.	
PCT/US99/26788	
I.A. FILING DATE	PRIORITY DATE
11/10/1999	

CONFIRMATION NO. 6901

 371  
 ABANDONMENT/TERMINATION  
 LETTER

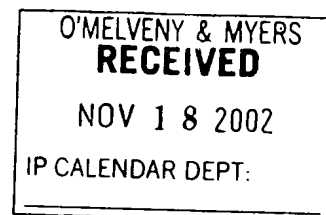

\*OC000000009113091\*

Date Mailed: 11/15/2002

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS, mailed 08/13/2001 within the time period set therein.



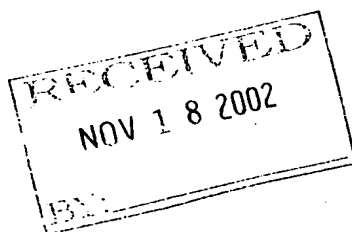
Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

SHELBY J VIGIL

Telephone: (703) 305-3653

## PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)



O'Melveny &amp; Myers LLP

 File: 216019-61  
 Action Item: ABANDONED?  
 Date Due: 1/10/03  
 Critical Date: -  
 Attorney Path: BMB  
 Docketed By: CR  
 Verified By: 

51



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/831621	BAUM P	98,664-B

ROGER P ZIMMERMAN  
MCDONNELL BOEHNEN HULBERT & BERGHOFF  
300 SOUT WACKER DRIVE  
SUITE 3200  
CHICAGO, IL 60606

INTERNATIONAL APPLICATION NO.	
PCT/US99/26788	
I.A. FILING DATE	PRIORITY DATE
10 NOV 99	10 NOV 98

DATE MAILED: 13 AUG 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.  | <input checked="" type="checkbox"/> Indication of Small Entity Status.              |
| <input checked="" type="checkbox"/> Copy of the international application.  | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventor(s).  | <input type="checkbox"/> Translation of Article 19 amendments into English.         |
| <input type="checkbox"/> Copy of Article 19 amendments.   | <input type="checkbox"/> Other:   |
| <input type="checkbox"/> Priority Document.   |   |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any.     |   |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. |   |

POCKETED

AUG 16 2001

DUE DATE: 10/13/01  
BY: K.B. CB

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- |   |   |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- |  |
|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.   |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.   |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.   |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).  |

4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 98,664-B)



In Application of:  
Baum et al.

Serial No.: 09/831,621

Filed: May 10, 2001

For: Novel DNAs and Polypeptides

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) Group Art Unit: not yet known  
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)

)  
) Examiner: not yet known  
)  
)  
)

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231

Sir:

**TRANSMITTAL LETTER**

In regard to the above identified application:

1. We are transmitting herewith the attached:

- a: Petition for One-Month Extension of Time;
- b: Copy of Notice of Missing Requirements;
- c: Executed Declaration and Power of Attorney;
- d: Return Postcard.


2. With respect to additional fees:

- A.  X  Attached is a check in the amount of \$240.00.  
(the amount above includes \$130.00 surcharge/\$110. 00 Extension Fee)
- B.       Charge the total additional fee to our Deposit Account No. **13-2490**.  
A duplicate copy of this sheet is enclosed.

3. Please charge any additional fees or credit overpayment to Deposit Account No. **13-2490**.  
A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents and Trademarks, Box PCT, Washington, D.C. 20231 on this 17<sup>th</sup> day of October, 2001.

By

  
Roger P. Zimmerman  
Reg. No. 38,670

C DONNELL BOEHNEN HULBERT & BERGHOFF

31917

VENDOR: AS1001 Commissioner of Patents		CHECK NO: 031917			
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300 S. WACKER DR., 32ND FLOOR  
CHICAGO, IL 60606-6701

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70-477-719

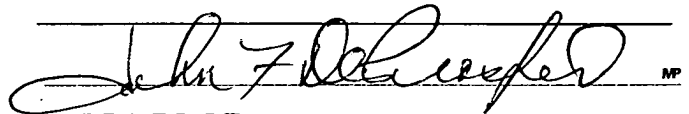
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AS1001 Commissioner of Patents

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